Mr. A. Lakshminarayana Ayyar: I second it.

The question that Clauses 1 and 2 stand part of the Bill was put and carried.

The Clauses were added to the Bill.

The question that the Preamble and the Title do stand part of the Bill was put and carried.

They were added to the Bill.

Mr. K. G. Kunjukrishna Pillai: I move that the Bill be passed.

Mr. A. Lakshminarayana Ayyar: I second it.

The question that the Bill be passed was put and carried.

The Bill was passed.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL.

Mr. K. G. Kunjukrishna Pillai: Sir, I move that the Criminal Procedure Code (Amendment) Bill as passed by the Assembly be taken up for consideration.

Mr. A. Lakshminarayana Ayyar: I second it.

The question that Clauses 1 to 6 do stand part of the Bill was put and carried.

The Clauses were added to the Bill.

The question that the Preamble and Title do form part of the Bill was put and carried.

They were added to the Bill.

Mr. K. G. Kunjukrishna Pillai: Sir, I move that the Bill be passed.

Mr. A. Lakshminarayana Ayyar: I second it.

The question that the Bill be passed was next put and carried.

The Bill was passed.

THE TRAVANCORE MEDICAL PRACTITIONERS' BILL.

Mr. K. G. Kunjukrishna Pillai: Sir, I move that the Travancore Medical Practitioners' Bill as passed by the Assembly be taken into consideration.

I will first of all explain the amendment which was characterised as anonymous. When the original sub-clause (i) of clause 9 of the Bill was first considered in the Assembly, the two points in the Bill were that the term of the first council shall be 5 years and the term of the succeeding council be 3 years. The Assembly amended the first portion of the clause and fixed the term at three years. In the case of the further Councils also the term is

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three years. In the case of the further councils also the term is 3 years. That being the case, I was empowered by the Assembly as well as by the President to make such adjustments as to give the bill a decent form. Hence such an amendment. This form was not suggested then but it has subsequently been sent to the members. Therefore, I thought that the clause would read better from the point of view of drafting if in respect of these clauses instead of putting it as clause (a) fixing the term of the first Council at 3 years and clause (b) fixing the term of subsequent Councils at three years, one consolidated clause is put in.

Mr. James Fletcher: Does it mean that clauses (a) & (b) are to be deleted.

Mr. K. G. Kunjukrishna Pillai: Yes, Sir.

Now let me proceed with the Bill proper. Sir, the honourable members of the House will be aware that there was a Bill called the Medical Registration Bill introduced in the Assembly as early as 1935. Since that Bill referred only to the Allopathic Practitioners it was opposed and virtually thrown out by the Assembly on the specific ground that the Bill was not sufficiently comprehensive in regard to all systems of medicines prevalent in the country. The view of the Assembly was that a consolidated bill was necessary to regulate all the known systems of medicine and also to state to the public as to who are the proper persons to be resorted to in case of need in view of the fact that there are a large number of practitioners in all systems, known and unknown. The then Assembly was of the view that the evil that was sought to be prevented by the Bill would not be achieved unless a more comprehensive Bill was introduced.

Government took that into serious consideration and then placed the whole matter before an Expert Committee presided over by Dr. Tirumurthi who is now before you as a co-opted member. The Bill was re-drafted in order to include all systems of medicines. The Bill may be summarised under three main headings. Firstly the Bill provides for the constitution of a Medical Council which will function as a sort of advisory body throughout the State. The Medical Council will lay down the procedure, the qualifications and other things that may be necessary under the Bill. The second important point is that at present everybody who claims to be a Medical Practitioner can get registered. As a satisfactory compromise it is now stated that every man who claims to be a practitioner may register himself within one year of the passing of this Act. Any man who has been practising for over five years, though he is not qualified, may register himself. The only thing is that after one year after the passing of the Act only people with the specified qualifications whether in Allopathy, Homeopathy, Ayurveda or Siddha will be allowed to practise as a Medical Practitioner.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. G. Kunjukrishna Pillai.]

Thirdly, as a necessary corollary certain penalties have been provided for in the Bill. These are in short the provisions contained in the Bill. I hope honourable members will agree with me that such a Bill is highly necessary in the public interests in order to prevent people who are not qualified, and who have not the slightest claim to know anatomy or anything else, from practising.

President: I hope the honourable member will also make clear that the intention of the Government not to allow Allopaths from sitting in judgment over Siddha people, etc.

Mr. K. G. Kunjukrishna Pillai: Though there is the council, when a particular application, say from an Ayurveda man comes up, only people who are qualified in that system will sit in judgment over him.

Mr. Kochikal P. Balakrishnan Tampi: Where is it stated ?

Mr. K. G. Kunjukrishna Pillai: It is not so stated in any particular clause, but if honourable members will read the qualifications mentioned for registration, it will be seen that the intention is only to allow people who know that particular system to sit in judgment over that system. A committee is to be constituted for framing rules and regulations under the Act. One of the main points that will be kept in view in the framing of the rules and regulations so far as a particular system is concerned will be that the practitioners of another system will not have any predominant voice over that system. That is the basis of the bill. I want to make that very clear because there was some confusion about that in the other House.

Mr. James Fletcher: The rules are yet to be framed. Probably that may be made clear in the rules also.

Mr. K. G. Kunjukrishna Pillai: That is exactly what I stated. The Committee that is going to frame the rules and regulations will be instructed on that fundamental fact.

I shall point out to my honourable friend Clause 25 which says :—

> "(2) If there be a member of the Council representing that system of medicine to which the application relates permanently residing in the taluk to which the applicant belongs, the application shall first be sent to that member and on receipt of his remarks shall be placed before the committee constituted for the purpose."

That Committee will be a Committee for the system. So that is the first preliminary for considering that application.

Mr. T. Krishna Pillai: May I ask the honourable member whether the Committee's decision may not be over-ruled ?

LIBRARY ARCHIVES Kerala Legislative Assembly

President: As I find that there is some little misunderstanding on this matter let me explain the scope of the Bill. The council to be constituted under this Bill is what may be called an executive or administrative council charged with the duty of compiling a list of people qualified to practise, who alone will be entitled to practise the particular system of medicine in the country. Government realise and the public also are fully aware of, the fact that there are many systems of medicine here. There is the Visha vaidya, Siddha vaidya, Ayurveda, Allopathy and Homeopathy, and elsewhere it was stated there was Naturopathy and that some colleges and schools are giving diplomas in Naturopathy in Central Travancore. There are various other systems also. Now the only object of the Bill, and the only object of Government, is that no man should call himself a doctor in any particular system unless some recognised institution or body of persons or colleges of a University give him a degree or diploma and the council is willing to recognise that diploma. For instance take the degrees or diplomas appearing after the name of some Homeopathic doctors. The question is whether the institutions that gave those diplomas should be recognised. I may here recall the Diplomas that were promised to me some years ago. I was told that if I remitted Rs. 150 by V. P. P. then a Diploma will be sent to me, which will entitle me to practise Homeopathy. There are such institutions. The whole point in the Bill is that the general council will be an administrative body and will not by itself decide what qualifications will be recognised and what qualifications are necessary according to experts in that body. So far as Homeopathy is concerned, Calcutta seems to be the home of Homeopaths. In regard to Allopaths there are known degrees and diplomas. In regard to Ayurveda there are experts here. The same thing applies in the case of Visha vaidya. For Naturopathy we do not know if there is anybody. For Siddha vaidya, we have tried to disarm opposition by stating that two or three institutions should be recognised before we give license for practising. The Government and the Council will go into the matter and see whether the institutions are run properly, and whether these are Indian or American institutions. There will be Committees in respect of each branch of medicine, Committees composed of those who are exclusively experts in those systems of medicine.

Mr K G. Kunjukrishna Pillai: I may also point out Clause 25 (3):

> "The Registrar shall place all applications received under this section before the Committee of the Council constituted for representing that system of medicine."

Therefore there is no reasonable apprehension that can be entertained about it.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr Kochickal P. Balakrishnan Tampi: Now that it has been explained, the anomaly has been removed. But frankly speaking from the Bill we lawyers cannot get at the intention of Government.

President: The intention of Government will ultimately be clear only in the rules. All that has been said just now is that Government give the undertaking that the rules will be framed in that way and that the rules will be placed before the House. The rules will provide that for the purposes of registration of Diplomas a committee composed of practitioners of that particular system should exclusively deliberate upon that consistent with Clause 25 (3).

Mr. Kochickal P. Balakrishnan Tampi: Under Clause 34 the rule making powers vested in Government do not refer to this matter; viz., that rules should be made to regulate the constitution of Committees for each system of medicine.

Mr. K. G. Kunjukrishna Pillai: May I draw the attention of the honourable member to Clause 20 (2) which says: "the Committee shall draw regulations under this Act." It is therefore intended first to draw up a series of regulations by the Committee appointed by the council. The regulations are framed by the Committee, submitted to the council which passes them and then these Regulations go to Government for approval. After approval by Government the Regulations will come into effect. Apart from those Regulations, rule-making powers are provided for. My honourable friend Mr. Balakrishnan Tampi is correct when he said that this is not provided for in Clause 34. That is not provided for there because the regulations are to be framed by the Sub-Committee.

Mr T. Krishna Pillai: Will the council pass the Regulations framed by this Sub-Committee in toto?

Mr. K. G. Kunjukrishna Pillai: Yes. Then the Regulations are placed before the general council, and if there is opposition by 25 % of the Medical Practitioners, the Committee will revise the Regulations. If honourable members will read the rule-making powers given under this Act, it will be clear that there is no question of anybody practising one system of medicine being affected by anybody practising another system. The general council is necessary for the simple reason that there are a large number of administrative matters which must be looked into by them.

Mr. Kochickal P. Balakrishnan Tampi: Will there not be any difficulty?

Mr. K. G. Kunjukrishna Pillai: There will be no difficulty at all.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Kochickal P. Balakrishnan Tampi: Some apprehension is felt that the membership of this Council might involve the removal of the name of the particular practitioner from the British Medical Register because some rule there prohibits them from associating themselves with any other system of medicine.

President: To serve in this General Medical Council is not a hindrance.

Rao Bahadur Dr. T. S. Tirumurthi: The apprehension of the honourable member is unfounded. The practitioners of one system of medicine are registered to be practitioners of other systems of medicine. In passing a composite Bill of this kind it has practically overcome the difficulty so far as Travancore is concerned.

The question whether Clause 1 form part of the Bill was put and carried.

Clause I was added to the Bill.

Clause 2.

Mr. James Fletcher: In Clause 2, Sub-clause (3) "Dharmasalas" are included.

President: There are some places in Northern India and Madras which are called "Dharmasalas."

Mr. James Fletcher: In Travancore there is no "Dharmasala".

President: It means a place of accommodation for giving fitting medical relief.

Mr. James Fletcher: I do not propose to press the amendment.

Mr. James Fletcher: In Clause 2, Sub-clause (f), *Explanation I* is not clear. It is stated that attendance at delivery without the use of instruments is medical work. Attendance will include something more than the attendance of midwife. Attendance as originally understood is being with somebody, for example the mother of the patient with the patient.

President: "Medical work" means according to *Explanation I* and *Explanation II* of Sub-clause (f) of Clause 2 practice of the healing art for human ailments of any sort by any measure by administration of medicines by natural channels. It is for that the *Explanations I and II* are given. It is stated that

> "Attendance at delivery without the use of instruments is medical work;"

Suppose a midwife does not use any instrument at all. She can absolve herself of the responsibility by saying that she was only looking on, whatever you may call that. So she is relieved from that.

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Rao Bahadur Dr. T. S. Tirumurthi : I shall explain the position of defining the words "medical work" in this Clause. If we have an opportunity of seeing patients being brought into hospitals it could be seen that they have not been mishandled by midwives or by unqualified dhais. But in the mofussil having attempted the extraction of a child in all manner of ways even including the misapplication of instruments, you will realise how necessary it is to define the word by saying "without the use of the instruments." There is absolute necessity to define them for these reasons that those who have not been accustomed to the use of instruments, in such cases whether it is delivery or surgical operation they should not be permitted by law to make use of the instruments about which they know nothing.

Mr. James Fletcher : This explanation is more or less the definition of "medical work." The word "Attendance" in "Attendance at delivery without the use of instruments" is not clear. Ordinarily there will be natural delivery without any help from outside. A healthy woman may give birth to a child and at that time ordinarily some persons, some relatives, who have got experience in this art of helping or attending to persons may be present there to assist in the delivery. And even such attendance if it is considered to be medical work.

Mr. K. G. Kunjukrishna Pillai : "Medical work" is defined as attendance at delivery without doing surgical operation.

Rao Bahadur Dr. T. S. Tirumurthi : They can do medical work but should not use instruments.

Mr. James Fletcher : My doubt is whether attendance at delivery without the use of instruments is medical work. Of course they do not use instruments at all. They help the natural delivery by giving fomentation or some such help.

Rao Bahadur Dr. T. S. Tirumurthi : The definition has been given but in order that people may properly understand the definition the explanation is given.

President : Where is the substantive provision in regard to the "medical work"?

Rao Bahadur Dr. T. S. Tirumurthi : Clause 29 (1).

> "No registered practitioner who has not undergone a course of practical training in surgery and obstetrics under any system to the satisfaction of the Council shall do any work other than medical work."

There we have to explain what the medical work means.

President : If the honourable member Mr. Fletcher will read Section 29 and then read this Explanation he will understand.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. James Fletcher: I do not move the amendment.

President: In other words where there is no ailment would this apply?

Mr. K. G. Kunjukrishna Pillai: Suppose a man sells something for bettering the health of a man. Why should it apply for him?

Mr. G. Narayana Aiyar: May I know whether "Attendance" at delivery has that meaning?

Mr. K. G. Kunjukrishna Pillai: There is no separate medical meaning.

Mr. T. Krishna Pillai: May I take from the Legal Remembrancer that "Attendance" means only persons being prsent?

Mr. K. G. Kunjukrishna Pillai: That is exactly what is not meant.

Mrs. Abernam Gnanasikamoni: As the person attending at delivery is capable of doing good work as well as bad work, it is necessary to define "Attendance at delivery" as the specific work of the midwife.

Rao Bahadur Dr. T. S. Tirumurthi: I agree with the honourable member's view. "Attendance" there means professional attendance.

President: I think the difficulty is more imaginary than real. Let us forget the definition for a moment. Section 29 (1) says:

> "No registered practitioner who has not undergone a course of practical training in surgery and obstetrics under any system to the satisfaction of the Council shall do any work other than medical work".

That is a person shall not be entitled to do this except after having gone through certain tests. Let us go back to the definition. It may be said by a person, "I did no medical work. I was only attending there. I had no instruments and I just gave hot water fomentations and something like that. Therefore I had no responsibility. I did nothing. I was not a medical attendant. I was there, no doubt. They asked me to pull out the little child, but I never used any instrument. So I am not liable to any punishment. That will be the position. Do you press your motion, Mr. Fletcher?

Mr. James Fletcher: No.

Mr. Thomas Chandy Mukkadan: രോഗിക്ക് മരുന്ന കൊടുത്തു ചികിത്സ നടത്താത്ത ഒരുത്തൻ ഇതിൽ ഉൾപ്പെടുമോ?

Mr. K. G. Kunjukrishna Pillai: അങ്ങനെയുള്ള ഒരുവൻ മെഡിക്കൽ പ്രാക്ടീഷണറായി വരുമെങ്കിൽ അയാളും ഉൾപ്പെടും.

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Mr. Thomas Chandy Mukkadan : അവർ രജിസ്ട്രേഷനിൽ വരുന്നില്ലെങ്കിൽ അതു കുറ്റകരമാകുമോയെന്നാണു ഞാൻ ചോദിക്കുന്നതു.

Mr. K. G. Kunjukrishna Pillai : As I understand it, this Bill applies only to medical practitioners.

President: Apparently the doubt of the honourable member arises this way. Very healthy people in this locality undergo treatment during July, August and certain other particular months of the year for the purpose of making themselves more healthy? Would the provisions of this Bill apply to them or not; that seems to be the doubt.

Mr. K. G. Kunjukrishna Pillai : I have already explained that. If he is a medical practitioner and is registered under this Act, yes. Supposing he is not registered, he is certainly liable to punishment and the penalties.

Mr. Khadir Bhoy: Does the provision bar the presence of the female relatives?

President: That amendment is finished.

The question that Clause 2 stands part of the Bill, was put to vote and carried.

Clause 2 was added on to the Bill.

The question that Clauses 3 to 21 stand part of the Bill, was put to vote and carried.

Clauses 3 to 21 were added on to the Bill.

Clause 22.

The question that Clause 22 stands part of the Bill, was put to vote and carried.

Clause 22 was added on to the Bill.

Mr. James Fletcher: Clause 22 sub-section (2) reads:

> "Applicants for registration under Clause (iii) or Clause (v) of sub-section (1) shall produce a certificate in Form I or Form II, as the case may be, as set forth in the Schedule. The certificate in Form I shall be from an officer of the Revenue Department not below the rank of a Tahsildar or any other person authorised by Our Government in this behalf and the certificate in Form II shall be from a medical practitioner or medical institution where he had undergone theoretical and practical training."

I refer to the certificate from an officer of the Revenue Department not below the rank of a Tahsildar. My doubt is why we should get a certificate from a Revenue officer who has no knowledge of medicine or of persons of the locality practising the profession.

Mr. K. G. Kunjukrishna Pillai: All that he has to do is to make inquiries in the locality and find out whether the man has practice for five years.

LIBRARY ARCHIVES Kerala Legislative Assembly

President : Form I, as you will see, is only a certificate to the effect that the person has been practising for five years. The Revenue officers have got the machinery for making inquiries as to whether the person has a practice for five years or not. That is all that the Revenue officer has got to do. The Proverthicar or somebody will go round and see whether he has been practising for five years. The Revenue officer has to certify that.

Mr. James Fletcher : It is stated in the certificate thus :

> "On the basis of records in the office or facts known after due enquiry I certify that Mr .....has been shown or proved as following the occupation of a practitioner of the..... system of medicine for not less than five years as shown below" etc.

That is the form of the certificate that he has to give. Will it not be better to authorise any body who has knowledge of the subject to certify. A person may be having practice for some time, then he may leave it and follow some other profession, say cultivation of tapioca. After some time he comes again and continues practising medicine. The Tahsildar may not be the best person to certify in this case. If somebody following the same profession is authorised I think it would be better.

President : Supposing there is nobody in the locality ? In every village there is a revenue officer, a police officer etc. If there is no body else other than a Proverthicar, he will be thought of. But who else can be given that right? Surely, you do not mean to say that any non-official should be given the right. There must be somebody who will be responsible to the Government. And for that purpose, whether we like it or not, we have to use the revenue officers.

Mr. James Fletcher : What I am asking is would it not be better to authorise some other practitioner with the power ?

Rao Bahadur Dr. T. S. Tirumurthi : I may explain to Mr. Fletcher that this would create further difficulties. A local medical man, to whatever system he may belong, might already have a grouse against the other practitioner. He may either refuse a certificate or delay giving it. So some officer on whom the Government has control should alone be given the right to certify. They need not go into the merits of the case. He has merely to certify that the person has been practising for five years.

The amendment was not pressed.

The question that Clause 22 stands part of the Bill, was put to vote and carried.

Clause 22 was added on to the Bill.

The question that Clauses 23 to 39 stand part of the Bill, was put to vote and carried.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Rao Bahadur Dr. T. S. Tirumurthi.]

Clauses 23 to 39 were added on to the Bill.

The question that Clauses 40 to 44 stand part of the Bill, was put to vote and carried

Clauses 40 to 44 were added on to the Bill,

The question that the schedules and forms stand part of the Bill, was put to vote and carried.

The schedules and forms were added on to the Bill.

The question that the preamble and title of the Bill, stand part of the Bill was put to vote and carried.

The title of the Bill: The Travancore Medical Practitioners' Bill.

Mr. Kochickal P. Balakrishnan Tampi: I wish, at this stage, to demand an assurance from the Government, that in the constitution or nomination of this Council, if proper exponents of a particular system are not found, such people as come in handy or any one with the largest number of manufactured certificates of proficiency from honourable members of this House should not be chosen. I say this because it is a regular nuisance.

President: Supposing, for instance, Mr. Tampi certifies that a person is a very good Visha Vaidya—

Mr. Kochickal P. Balakrishnan Tampi: My request is that I may be given a gentle reply to say that I am not expected to know any thing in the matter as to certify that. And being the first offence of the kind I may be pardoned.

President: After all, the assurance that Government can give is this. This is purely a professional bill and the men who are going to be affected are those practising a very responsible profession, dealing with the life and safety of the subjects of the State. People will not be allowed to practise on the basis of recommendations of other people, even influential honourable members of this House. There is no question about that.

The question that the Bill be passed, was put to vote and carried.

The Bill was passed

The House adjourned at 5·10 P. M. and decided to meet at 12 of the clock on Saturday, the 14th August 1943. It was decided to conduct the elections to the various committees after lunch interval on Saturday.

B. PARAMU,

Secretary to the Sri Chitra State Council.

LIBRARY ARCHIVES Kerala Legislative Assembly